

***Effective 5/13/2014***

***Superseded 7/1/2015***

**31A-3-304 Annual fees -- Other taxes or fees prohibited -- Captive Insurance Restricted Account.**

- (1)
  - (a) A captive insurance company shall pay an annual fee imposed under this section to obtain or renew a certificate of authority.
  - (b) The commissioner shall:
    - (i) determine the annual fee pursuant to Section 31A-3-103; and
    - (ii) consider whether the annual fee is competitive with fees imposed by other states on captive insurance companies.
- (2) A captive insurance company that fails to pay the fee required by this section is subject to the relevant sanctions of this title.
- (3)
  - (a) Except as provided in Subsection (3)(d) and notwithstanding Title 59, Chapter 9, Taxation of Admitted Insurers, the following constitute the sole taxes, fees, or charges under the laws of this state that may be levied or assessed on a captive insurance company:
    - (i) a fee under this section;
    - (ii) a fee under Chapter 37, Captive Insurance Companies Act; and
    - (iii) a fee under Chapter 37a, Special Purpose Financial Captive Insurance Company Act.
  - (b) The state or a county, city, or town within the state may not levy or collect an occupation tax or other tax, fee, or charge not described in Subsections (3)(a)(i) through (iii) against a captive insurance company.
  - (c) The state may not levy, assess, or collect a withdrawal fee under Section 31A-4-115 against a captive insurance company.
  - (d) A captive insurance company is subject to real and personal property taxes.
- (4) A captive insurance company shall pay the fee imposed by this section to the commissioner by June 1 of each year.
- (5)
  - (a) Money received pursuant to a fee described in Subsection (3)(a) shall be deposited into the Captive Insurance Restricted Account.
  - (b) There is created in the General Fund a restricted account known as the "Captive Insurance Restricted Account."
  - (c) The Captive Insurance Restricted Account shall consist of the fees described in Subsection (3)(a).
  - (d) The commissioner shall administer the Captive Insurance Restricted Account. Subject to appropriations by the Legislature, the commissioner shall use the money deposited into the Captive Insurance Restricted Account to:
    - (i) administer and enforce:
      - (A) Chapter 37, Captive Insurance Companies Act; and
      - (B) Chapter 37a, Special Purpose Financial Captive Insurance Company Act; and
    - (ii) promote the captive insurance industry in Utah.
  - (e) An appropriation from the Captive Insurance Restricted Account is nonlapsing, except that at the end of each fiscal year, money received by the commissioner in excess of \$950,000 shall be treated as free revenue in the General Fund.